

1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

3           AT&T Services, Inc.

4                   Plaintiffs,

5           vs.

Case No. 3:06-cv-05456-WHA

6           John Doe No. 1 (a/k/a  
7           **brnroton@yahoo.com**), John Doe No. 2  
8           (a/k/a **carebear@yahoo.com**), John Doe No.  
9           3 (a/k/a **free@yahoo.com**), John Doe No. 4  
          (a/k/a **gogo@hotmail.com**), John Doe No. 5  
          (a/k/a **wealthysinner@yahoo.com**), and John  
          Doe Nos. 6-25,

10                   Defendants.

11                                   **ORDER GRANTING PLAINTIFF'S EXPEDITED *EX PARTE* MOTION**  
12                                   **FOR LEAVE TO TAKE IMMEDIATE DISCOVERY**

13                   Upon Plaintiff's Expedited *Ex Parte* Motion for Leave to Take Immediate Discovery, the  
14           Court hereby ORDERS as follows:

15                   1. Plaintiff may serve Rule 45 subpoenas that seek information sufficient to identify John  
16           Does No. 1 through 5 on Internet Service Providers ("ISPs") including: CBeyond Communications,  
17           LLC; ICG Net Ahead, Inc. / TelWest Communications LLC; GBU Internet, LLC / Toledo Rapid,  
18           LLC; NTT America, Inc.; Comcast Cable Communications, Inc.; Xspedius Communications Co.; and  
19           Cox Communications. The subpoenas may seek the name, address, telephone number, e-mail address,  
20           and Media Access Control addresses for each of the IP addresses and corresponding dates and times  
21           listed on Exhibits A through E of the Plaintiff's Complaint. To the extent necessary, the disclosure of  
22           this information is ordered pursuant to 47 U.S.C. § 551(c)(2)(B).

23                   2. Plaintiff may also serve Rule 45 subpoenas on any ISP that Plaintiff is able to associate  
24           with an IP address used by any other Defendant (*i.e.*, among those identified in the Complaint as John  
25           Doe Nos. 6 through 25) on the date and at the time such Defendants established the allegedly false  
26           accounts. If Plaintiff serves such additional Rule 45 subpoenas, it shall also file a notice with the  
27           Court, identifying the ISP(s) served and providing a list of the IP addresses associated with the date  
28           and time of the allegedly unauthorized access of the online customer account information. These

subpoenas may also seek information sufficient to identify these additional Defendants, including the name, address, telephone number, e-mail address, and Media Access Control addresses for each of the IP addresses and corresponding dates and times that these additional Defendants established the allegedly false accounts. To the extent necessary, the disclosure of this information is ordered pursuant to 47 U.S.C. § 551(c)(2)(B).

3. Any information disclosed to Plaintiff in response to the Rule 45 subpoenas may be used by Plaintiff solely for the purpose of protecting Plaintiff's rights as alleged in the Complaint filed on September 6, 2006.

4. Plaintiff shall serve upon each ISP a copy of this Order with any subpoena.

SIGNED and ENTERED this 19th day of September, 2006.

WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

